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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,573	11/03/2000	Herman Rodriguez	AUS9-2000-0484-US1	2332

7590 08/09/2004  
Joseph T Van Leeuwen  
PO Box 71641  
Austin, TX 78708-1641

EXAMINER

BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/704,573

**Applicant(s)**

RODRIGUEZ ET AL.

**Examiner**

Igor Borissov

**Art Unit**

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-9, 11-13, 18-20 and 25-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-9, 11-13, 18-20 and 25-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

Claim Rejection under 35 USC § 112 has been withdrawn due to applicant's amendment.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 6-8, 11-13, 18-20, 25-29, 31-33 and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharood et al. (US 6,453,687) in view of Weinstein et al. (US 6,650,635) and further in view of Nelson (US 6,496,568).**

Sharood et al. teach a method and system for remote controlling a home automation system over the Internet, comprising:

**As per claims 6, 11, 18 and 38,**

a control server (100), a plurality of computer systems (190) for providing access to the control server (100) and controlling said automation system, a storage means, a home automation control tool, wherein said automation system can be controlled remotely via the Internet (suggesting email communications), and wherein said home automation control tool provides a plurality of modes including a vacation mode (column 3, lines 58 – column 4, line 60).

Sharood et al. do not specifically teach registering said home automation system with an email computer system, and scheduling travel plans using a travel agent computer system.

Weinstein et al. teach a method and system for remote connecting to and controlling a home automation system over a telephone network. The system includes host logic for receiving and interpreting commands from a remote user (column 38, lines 56-63). The connecting method includes verification step that the target system is in the address book, which implies prior registering step. If target is verified, a network address is retrieved from the memory, and a connection with a network and the target system is established (column 9, lines 35-45).

Nelson teaches a method and system for operating a customer message manager for automated notification of a customer, wherein a subscriber is notified via email about details and changes of his travel plans (column 1, line 35 – column 2, line 16).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sharood et al. to include registering said home automation system, as disclosed in Weinstein et al, because it would allow to provide this service on a subscription base thereby generate revenue.

And it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Sharood et al. and Weinstein et al. to include scheduling travel plans using a travel agent computer system, because it is would save time for the customer.

Also, Sharood et al. teach:

**As per claims 7, 13 and 20**, said method and system, further comprising sending a message to the home automation system over the Internet (column 3, lines 58 – column 4, line 60).

**As per claims 8, 12, 19 and 26**, said method and system, further comprising identifying a home automation command in said home automation system, and setting a vacation mode (column 3, lines 58 – column 4, line 60).

**As per claims 25, 31 and 35**, Weinstein et al. teach said method and system, wherein the connecting method includes verification that the target system is in the address book (column 9, lines 35-45).

**As per claims 27-29, 32-33 and 36-37**, Nelson teach said method and system, further comprising: receiving, from a customer, a travel details request message, and responding to the customer with requested information via an email (column 2, lines 1-16).

**Claims 9, 30 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharood et al., Weinstein et al. and Nelson.**

**As per claims 9, 30 and 34**, Sharood et al. teach said method and system, wherein a firewall and secure LAN connection is provided (column 6, lines 12-30).

However, Sharood et al. do not specifically teach a secure transmission protocol.

Official notice is taken that use of a secure transmission protocol is well known.

Therefor, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Sharood et al., Weinstein et al. and Nelson to include that the message is transferred using a secure transmission protocol, because it would enhance the security of the system, thereby make it more attractive to the customers.

### ***Response to Arguments***

Applicant's arguments filed 5/03/2004 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Sharood et al. teach use of home automation control tools for remote control of a home automation system over the Internet when the home automation system is in a vacation mode (C. 3, L. 58 – C. 4, L. 60).

Weinstein et al. teach a method and system for remote connecting to and controlling a home automation system over a telephone network. The connecting routine includes: verification step of verifying that the target system is registered (is in the address book), retrieving step of retrieving a network address from the memory, and a connecting step of connecting a network and the target system (C. 9, L. 35-45).

Nelson teaches a method and system for automated notification of a customer, wherein a subscriber is notified by a travel agent computer system via an email about details and changes of his travel plans (C. 1, L. 35 – C. 2, L. 16).

The motivation to combine Sharood et al. and Weinstein et al. to include registering said home automation system would be ability to provide said service (remote control of a home automation system) on a subscription basis thereby generate revenue.

And the motivation to further combine Sharood et al. and Weinstein et al. and Nelson to include scheduling travel plans using a travel agent computer system would be a tremendous savings in time for the customer.

In response to applicant's argument that Weinstein et al. fails to teach "registering" step, the examiner maintains that Weinstein et al. specifically teach a remote connecting to and controlling a home automation system over a telephone network, wherein the connecting routine includes: verification step of verifying that the target system is in the address book, thereby obviously indicating "registering" step of the target system prior to the verification step (C. 9, L. 35-45).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks  
Washington D.C. 20231***

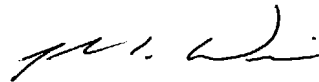
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or faxed to:

**(703) 872-9306** [Official communications; including After Final  
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.



**JOHN G. WEISS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**